

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**AARON GOGLEY**  
**Plaintiff,**

**V.**

**UNITED PROPERTY & CASUALTY  
INSURANCE COMPANY,**  
**Defendant.**

§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO**\_\_\_\_\_

**DEFENDANT UNITED PROPERTY AND CASUALTY INSURANCE COMPANY’S  
NOTICE OF REMOVAL**

Defendant United Property and Casualty Insurance Company (“UPC”) files this Notice of Removal:

**I. Background**

1. On August 11, 2017, Plaintiff Aaron Gogley (“Plaintiff”) filed this lawsuit in Harris, Texas, against United Property & Casualty Insurance Company.

2. Plaintiff served UPC with a copy of the Petition on August 18, 2017.

3. UPC files this notice of removal within 30 days of receiving Plaintiff’s initial pleading. *See* 28 U.S.C. § 1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

4. As required by Local Rule 81 and 28 U.S.C. § 1446(a), simultaneously with the filing of this notice of removal, attached hereto as Exhibit “A” is an index of matters being filed. A copy of the Docket Sheet is attached as Exhibit “B.” A copy of Plaintiff’s Original Petition is attached as Exhibit “C,” and a copy of the Request for Process issued to UPC is attached as Exhibit “D.” A copy of the Civil Case Information Sheet is attached hereto as Exhibit “E.” A copy of the Citation and Return of Service is attached as Exhibit “F,” and a copy of UPC’s

Original Answer to Plaintiff's Original Petition is attached as Exhibit "G." The List of Counsel and Parties to the Case is attached as Exhibit "H." A copy of this Notice is also being filed with the state court and served upon the Plaintiff.

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

## **II. Basis for Removal**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a), 1441(a) and 1446. This is a civil action between citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

### **A. The Proper Parties Are Of Diverse Citizenship.**

7. Plaintiff is, and was at the time the lawsuit was filed, a resident and citizen of Texas.

8. UPC was at the time this action was commenced, and still is, a foreign (Florida) property and casualty insurance company authorized to do business in the State of Texas. UPC is organized under Chapter 982 of the Texas Insurance Code.

9. Because Plaintiff is a citizen of Texas and Defendant UPC is a citizen of Florida, complete diversity of citizenship exists among the parties.

### **B. The Amount in Controversy Exceeds \$75,000.00.**

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Petition expressly alleges that "Plaintiff currently seeks monetary relief over \$100,000 but not more than \$200,000." *See* Exhibit C § 4.

### **III. Conclusion and Prayer**

11. Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. UPC hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

**RHONDA J. THOMPSON, ATTORNEY-IN-CHARGE**

[ρθompson@thompsoncoe.com](mailto:ρθompson@thompsoncoe.com)

State Bar No. 24029862

Southern District No.: 17055

THOMPSON, COE, COUSINS & IRONS, LLP.

700 N. Pearl Street, 25<sup>th</sup> Floor

Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

**COUNSEL FOR DEFENDANT**

**UNITED PROPERTY & CASUALTY**

**INSURANCE COMPANY**

### **CERTIFICATE OF SERVICE**

This is to certify that on the 14th day of September, 2017, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

Richard D. Daly  
William X. King  
DALY & BLACK, PC  
2211 Norfolk Street, Suite 800  
Houston, Texas 77098  
Fax: (713) 655-1587  
*Counsel for Plaintiff*

/s/ Rhonda J. Thompson

Rhonda J. Thompson